IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

THURSDAY, THE 14TH DECEMBER 2006 / 23RD AGRAHAYANA 1928

Bail Appl..No. 7413 of 2006()

CC.113/2005 of J.M.F.C.-III,PALAKKAD
CRIME NO.385/04 OF PALAKKAD TOWN SOUTH POLICE STATION

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: PETITIONER

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1. JAYESH, AGED 27 YEARS,
ARAKKOTTIL HOUSE, PARASSERY P.O.,
KONGAD, PALAKKAD.

2. PRABHAKARAN, AGED 31 YEARS,
S/O.GOPALAN, 12/430, KOMBANKUZHI,
KATERA STREET, PALAKKAD.

BY ADV. SRI.KRISHNADAS P. NAIR
SRI.HARIDAS P.NAIR
SMT.K.L.SREEKALA
SRI.M.RAJESH KUMAR

RESPONDENTS:

STATE OF KERALA, REP. BY THE PUBLIC
PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 14/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.RAMKUMAR, J.

B.A.No.7413 OF 2006

DATED THIS THE 14TH DAY OF DECEMBER, 2006

O R D E R

Petitioners who are accused Nos.6 and 8 in Crime No.385/04 of Palakkad Town South Police Station for offences punishable under sections 143, 147, 341, 283, 188 and 109 read with section 149 IPC, seek anticipatory bail.

2. The case is now pending before the J.F.C.M.-III, Palakkad as C.C.No.113/05. Admittedly, consequent on the non-appearance of the petitioners, non-bailable warrants of arrest are pending against them. Anticipatory bail cannot be granted to nullify the process issued by a court of competent jurisdiction. There is no reason why the petitioners should not surrender before the Magistrate concerned and seek regular bail. Accordingly, if the petitioners surrender before the Magistrate concerned and file an application for regular bail, within two weeks from today, the same shall be considered and disposed of, preferably on the same date on which it is filed, after examining the explanation offered by the petitioners for their previous non-appearance.

With this direction, this petition is dismissed.

V.RAMKUMAR, JUDGE

dsn